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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,499

03/01/2004

Clark Schaefer

MMC100

1049

30621 7590 09/05/2008

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EXAMINER

TOOMER, CEPHIA D

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

09/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,499	Applicant(s) SCHAEFER, CLARK	
	Examiner Cephia D. Toomer	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 25, 2008 has been entered.

The rejection of the claims under 35 USC 102(a) is withdrawn in view of the amendment to the claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and its dependents, 13, 14, 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Applicant has amended claims 1, 13, 17 and 18 to recite that additional material (c) is selected from the group consisting of (i)no additional material. This language is

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confusing since if (i) were selected the additional material would be no material. It is suggested that Applicant amend the claims to recite that the claims optionally further consist of carriers and aesthetic agents and odor enhancers.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2002046337 with US 20040088912 as the English translation.

WO teaches a solid agent for destroying soot and in particular tars (creosote). The invention chemically cleans combustion devices and flues which are contaminated with the tars (see abstract; paragraphs 1 and 2). The invention also relates to the use of this solid body, which consists in placing it in an active fireplace, preferable in contact with hot embers under combustion conditions.

The solid body is in the form of one or more logs (see paragraph 5). The active agent will be present in the solid body in an amount from 41 to 90% by wt and the remainder will be composed of 5-50 % wood waste and 5-50% binding agent (see paragraph 16). WO teaches that in addition to the essential constituents the composition may contain colorants, fragrances and the like in up to 50 parts by wt per 100 parts by wt of the base component (see paragraph 17). The active agent may be

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sodium or potassium chloride , ammonium chloride, sulfate or nitrite and/or ammonium phosphate (see paragraph 19). WO teaches that various constituents of the log are compressed in order to form the log (see paragraph 21). WO teaches that the log is placed on the embers and combusts for approximately 1 hour (see paragraph 30).

WO teaches the limitations of the claims other than that the mixture consists of (a+b+c). However, the claims do not exclude a process step wherein another additive component may be present.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2002046337 with US 20040088912 as the English translation further in view of Guilfoyle (US 20040045215).

WO has been discussed above. WO fails to teach the pressure at which compression occurs. However, Guilfoyle teaches this limitations.

Guilfoyle teaches a compressed combustible fuel product wherein in the method of preparing the fuel product the step of compressing the product includes using a pressure of between 35000 kPa to 176,00 kPa (5076-25,527 psi) (see abstract; paragraph 29).

It would have been obvious to one of ordinary skill in the art to apply a pressure between 10,000 psi and 20,000 psi to form the fuel product because Guilfoyle teaches that the skilled artisan would recognize that intense pressure would allow the fuel product to maintain its shape.

8. Applicant's arguments have been fully considered but they are not persuasive.

9. Applicant argues that the claims as drafted exclude the presence of a binder.

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10. The product claims exclude the presence of a binder. However, the process is open to other steps wherein additional components may be added during the process of making the solid fuel composition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cephia D. Toomer/
Primary Examiner
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